

Definition of Terms

Community Work Orders are a form of restitution. They are services to be performed by the offender to the community at large for a specified period of time as directed by the judge. For example, a lawyer may be directed to provide one day per week of free legal services to the community for a period of five years; or a youth may be directed to rake leaves and/or shovel snow two days per week for the elderly in the community for a period of one year.

Day Fines are a monetary penalty assessed on an equality formula determined by the seriousness of the offense and the offender's financial status - e.g., a burglary conviction may be assigned a value of "50 day fines"; the annual income of an offender with earnings of \$20,000 would be reduced to a 'one-tenth of one percent' per diem figure of \$20, and would be assessed a "day fine" penalty of \$1,000, whereas an offender with annual earnings of \$10,000, based on the same formula, would be assessed a penalty of \$500.

Departures from the presumptive fixed sentence occur when the judge gives a sentence that differs from that provided in the sentencing guidelines grid. When substantial and compelling aggravating or mitigating circumstances exist, the judge may depart from the presumptive sentence and provide any sentence authorized by law. When departing from the presumptive sentence, the judge must provide written reasons which articulate the substantial and compelling circumstances, and which demonstrate why the sentence given is more appropriate or fair than the presumptive sentence.

Executed Sentence means the total period of time for which an inmate is committed to the custody of the Commissioner of Corrections.

Good Time will reduce the term of imprisonment one day for every two days of good behavior for those committed to the Commissioner of Corrections following conviction of crimes which occurred on or after May 1, 1980, and prior to August 1, 1993. Good time earned accrues to a period of supervised release. Earned good time is vested, and cannot be taken away for misconduct. Earning of future good time may be restricted upon conviction for disciplinary violations promulgated by the Commissioner of Corrections.

Presumptive Fixed Sentences are those sentences provided in the sentencing guidelines and the sentencing guidelines grid. They are presumptive because they are presumed to be appropriate for all typical cases sharing criminal history and offense severity characteristics. They are fixed because there is no discretionary release authority.

Stay of Imposition/Stay of Execution - There are two steps in sentencing: the imposition of a sentence, and the execution of the sentence which was imposed. The imposition of sentence consists of pronouncing the sentence to be served in prison (for example, three years imprisonment). The execution of an imposed sentence consists of transferring the felon to the custody of the Commissioner of Corrections to serve the prison sentence. A stayed sentence may be accomplished by either a stay of imposition or a stay of execution.

If a stay of imposition is granted, the imposition (or pronouncement) of a prison sentence is delayed to some future date, provided that until that date the offender comply with conditions established by the court. If the offender does comply with those conditions until that date, the case is discharged, and for civil purposes (employment applications, etc.) the offender has a record of a misdemeanor rather than a felony conviction.

If a stay of execution is granted, a prison sentence is pronounced, but the execution (transfer to the custody of the Commissioner of Corrections) is delayed to some future date, provided that until that date the offender comply with conditions established by the court. If the offender does comply with those conditions, the case is discharged, but the offender continues to have a record of a felony conviction.

Supervised Release is a period of mandatory community supervision following the end of the term of imprisonment for offenders committed to the custody of the Commissioner of Corrections for offenses occurring on or after May 1, 1980. For offenders committed to the Commissioner of Corrections for crimes committed on or after August 1, 1993, the period of supervised release is defined by Minnesota Statutes, section 244.101, to be one-third of the total executed sentence pronounced by the court. For offenders sentenced for crimes committed on or after May 1, 1980, and prior to August 1, 1993, the period of supervised release equals the amount of good time earned. The Commissioner of Corrections establishes conditions

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which the offender must obey during supervised release, and if those conditions are violated, the Commissioner of Corrections may revoke the supervised release and return the offender to prison for a period not to exceed the time left on the sentence.

Term of Imprisonment is defined differently for offenders who commit their offense prior to August 1, 1993, and those who commit their offense on or after that date. For offenders who are committed to the Commissioner of Corrections for crimes occurring on or after August 1, 1993, the term of imprisonment is defined by Minnesota Statutes, section 244.101, as two-thirds of the total executed sentence. For offenders who are committed to the Commissioner of Corrections for crimes occurring on or after May 1, 1980, and prior to August 1, 1993, term of imprisonment is the length of the prison sentence reduced by earned good time. When such an offender is committed, the sentence and the term of imprisonment are the same; as the offender earns good time, the sentence remains the same, but the term of imprisonment is shortened by the amount of good time earned.